

COURTNEY M. GACCIONE, ESSEX COUNTY COUNSEL
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(Attorney for Defendant, County of Essex, improperly pled as Essex County
Department of Corrections)

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY
(NEWARK)**

Civil Action No.

Removed from:

:SUPERIOR COURT OF NEW JERSEY

:LAW DIVISION: ESSEX COUNTY

:DOCKET NO. ESX-L-000843-18

KERRI F. KELLERMAN,

:

Plaintiff,

: Civil Action

vs.

:

ESSEX COUNTY DEPARTMENT
OF CORRECTIONS, et al.

NOTICE OF REMOVAL

:

Defendants.

:

To: Clerk of the United States District Court
District of New Jersey
Martin Luther King, Jr., Courthouse
50 Walnut Street
Newark, NJ 07101

On Notice to: Clerk, Essex County Superior Court
Civil Law Division Filing
50 West Market Street, Rm. 131
Newark, NJ 07102

Kerri F. Kellerman
106 Harrison Street, Apt. 709
East Orange, NJ 07018

SIR/MADAM:

PLEASE TAKE NOTICE in accordance with 28 U.S.C. §§ 1441-1451, defendants, County of Essex, hereby give notice that they have removed the above-entitled case from the Superior Court of New Jersey, Essex County, to the United States District Court for the District of New Jersey. In support of this notice, defendant states the following:

1. The within matter was commenced by Kelly F. Kellerman, in the Superior Court of New Jersey, Essex County, Docket No. ESX-L-000843-18. The County of Essex was served on March 9, 2018.

2. The United States District Court has original jurisdiction of the above-captioned civil action pursuant to 28 U.S.C. §§ 1331 because the cause of action brought by plaintiff involve a federal question.

3. True copies of the Summons and Complaint, which comprise all pleadings and orders served upon the above defendants in this action, are attached hereto as

Exhibit A.

4. This removal is timely under 28 U.S.C. § 144(b) in that it was filed within Thirty (30) days of defendants of acceptance of the complaint.

5. Defendants seeks removal of the within matter pursuant to 28 U.S.C. § 1441 because the Complaint alleges causes of action under federal law and/or the United States Constitution, including the Fourteenth Amendment to the United States Constitution and 42 U.S.C. § 1983. (See Exhibit A).

6. No previous petition or notice has been made for the relief sought herein.

7. A Notice of Filing Petition will be filed with the Clerk of the Superior Court of New Jersey in Trenton and the Clerk of the Superior Court of New Jersey in Essex County. Additionally, a copy of both Notices will be served upon plaintiff.

WHEREFORE, defendant, County of Essex, respectfully gives notice that the above-matter is removed to the United States District Court for the District of New Jersey from the Superior of New Jersey, Law Division, Essex County.

Courtney M. Gaccione
Essex County Counsel
(Attorney for defendant,
County of Essex)

Dated: March 21, 2018

s/Alan Ruddy
Alan Ruddy, Esq.
Assistant County Counsel